UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,525	06/27/2000	Humberto C. Portillo	10722-31970	4943

			EXAMINER
24728	7590	07/08/2005	VINCENT, DAVID ROBERT

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3628	

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 July 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _116-159_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _116-159_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _10/27/2003, 1/6/03_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments (Brief filed July 9, 2004) with

respect to claims 116-159 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

Claims 16-26, 28-39, 41-52, 54-65, 67-76, 78-89, 91-100,

102-113, 115-123, 125-136, and 138-158 are rejected under 35

U.S.C. 103(a) as being unpatentable over Conklin (US 6,141,653),

in view of Business Wire article (09889724 from Dialog file

148).

Conklin discloses an online commerce system including a

buyer and seller (Abstract, Summary, Figs. 1), a money transfer

system (Figs.) connected with one or more payment locations

having payment location local computers (col. 31, lines 9-36;

Figs. 1), effecting a cash payment from a buyer to a seller

(Fig. 2c; wire transfers, col. 6, lines 51-65; col. 25, lines

55-59; cash is a relative term and means different things to

different people, col. 27, lines 14-25),

receiving an electronic payment request from the seller

computer in response to a proposed transaction (e.g., col. 26,

lines 1-5620, Fig. 9) between the buyer and the seller (col. 31,

lines 11-25; seller has a web site, col. 28, lines 9-36; col.

27, lines 5-31), the payment request comprising information

including al least a transaction amount (col. 31, lines 10-34),

assigning a unique transaction number to the payment

request (unique Ids for transactions, col. 21, lines 39-45;

Figs. 15-16; purchase order numbers, Fig. 11a-1, 12),

determining a preliminary total amount required from the buyer

in connection with the transaction comprising al least the

transaction amount (col. 25, lines 41-61; col. 31, lines 46-54),

determining a grand total amount based upon the preliminary

total amount any other applicable charges (taking into account

any discounts, col. 25, lines 41-59; col. 31, lines 40-54; Fig.

11a-2),

communicating information to the seller computer system for

displaying at least the grand total amount and the unique

transaction number to the buyer computer system (col. 31, lines

41-45; col. 32, lines 1-16; the seller has a computer and is

negotiating online with the buyer, the seller also knows whether

there will be a discount and what the shipping and handling

charges are therefore the seller would see the total amount on

their computer display and know what amount the buyer will be

responsible for whether using cash to get a wire transfer or

using a form of cash as in electronic cash, cols. 26-32; also

the seller is notified by email, col. 25, line 60-col. 26, line

19, especially col. 25, line 64-col. 26, line 2; Fig. 16; 535,

Fig. 7),

in response to receipt of information from a payment

location that payment in the amount of the grand total amount

has been received at the payment location (Fig. 11a-2),

communicating a message to the seller computer system that

payment has been actually made at a payment location (Figs. 7-

8); and

effecting completion of the transaction by making payment

to the seller (col. 17, lines 39-56; 575, 580, 585, 590, Fig.

8), as specified in claims 16, 42, 68, 92, 116;

wherein the payment location is a payment location

associated with the money transfer system (e.g., bank, Fig. 11a-

1; col. 27, lines 14-31), as specified in claims 17, 43, 69, 93,

117, 139;

wherein the payment location is a stand alone computing

system with money transfer capabilities (buyer can user cards,

or electronic cash from their computer, col. 27, lines 14-31; or

computer can be at the bank where a wire transfer takes place),

as specified in claims 18, 44, 70, 94, 118, 140;

wherein payment to the seller comprises the grand total

amount expressed in the local currency (usd, Fig. 11a-1) of the

seller, less any applicable transaction fees (shipping fees,

Fig. 7; discounts, col. 25, lines 41-59; commissions, Fig. 11a-

2, 11a-3), as specified in claims 19, 45, 71, 95, 119, 141;

determining a buyer local exchange rate (Fig. 30) for the

preliminary total amount based upon buyer information (Fig. 13;

col. 25, lines 43-59; currency conversion, col. 6, lines 51-65)

provided from the buyer computer system to the seller computer

system, and thence to the money transfer system (sponsor or

Internet), as specified in claims 20, 46

wherein the buyer information comprises buyer address

information including a country (Fig. 20; Figs. 13, 27; using

international payments, col. 25, lines 55-59; col. 26, lines 59-

65; Figs. 5b, 15-16), as specified in claims 21; 47, 72, 96,

120, 142;

determining the grand total amount (Fig. 7) expressed in

the local currency of the buyer (Fig. 30) based on the

determined buyer local exchange rate (usd, Fig. 11a-1, Fig. 13;
col. 25, lines 43-59; currency conversion, col. 6, lines 51-65),
as specified in claims 22 48;

wherein the seller computer displays a plurality of
selectable payment methods for selection by the buyer in
connection with transaction (530, Fig. 7; col. 27, line 65-col.
28, line 9), the payment method including a cash payment method
(e.g., col. 27, lines 14-25; or Fig. 2), and wherein the payment
request is generated by the seller computer system in response
to selection by the buyer of the cash payment method, as
specified in claims 23, 49, 73, 97, 121, 143;

wherein the payment request information includes
information selected from the group comprising: buyer
identification information, seller identification information,
seller order number, transaction date, a summary of items
purchased, purchase price, shipping charges, and total price
(Figs. 13, 27; col. 25, lines 41-59; col. 26, lines 59-65; Figs.
5b, 15-16), as specified in claims 24, 50, 74, 98, 122, 144;

wherein the preliminary total amount comprises the sum of
the transaction amount, shipping charges and any applicable
transaction fees (col. 31, lines 40-54; 525, Fig. 7), as
specified in claims 25, 51, 75, 99, 123, 145;

generating a unique data record corresponding to the

payment request and storing the data record in a staging area

associated with the money transfer system (unique IDs for

transactions, col. 21, lines 39-45; Figs. 15-23, especially

Figs. 15a, 16, 30; purchase order numbers, Fig. 11a-1, 12; 570,

Fig. 8; col. 20, lines 1-5; lines 57-63), as specified in claims

26, 52, 76, 100, 116, 146;

determining a seller local exchange rate for the funds due

to the seller based upon seller information provided by the

seller computer, and determining a grand total amount expressed

in the local currency of the seller, based upon the grand total

amount and the determined seller local exchange rate, less any

applicable charges (usd, Figs. 11, Fig. 13; col. 25, lines 43-

59; currency conversion, col. 6, lines 51-65), as specified in

claims 28, 54, 78, 92, 102, 125, 116, 147;

determining whether an amount associated with the

transaction exceeds a predefined compliance limit (threshold of

authorization, col. 15, lines 18-25; col. 20, lines 1-4), and

requesting additional information from the buyer in response to

a determination that said amount exceeds the predefined

compliance limit (also reads on the negotiating process where

the buyer is being outbid, col. 19, lines 58-67; cols. 20, 25-

26, 30-31), as specified in claims 29, 55, 79, 103, 126, 148;

in response to information from a payment location local

computer that payment in the amount of the grand total amount

has been received at the payment location, communicating a Money

Transfer Control Number (MTCN) to the payment location for

provision to the buyer ("buyer will be notified, Fig. 16; or see

Figs. 15a, 17, 20-21), as specified in claims 30, 56, 80, 104,

127, 149;

providing a receipt to the buyer at the payment location,

the receipt bearing at least the MTCN ("buyer will be notified,

Fig. 16; or see Figs. 15a, 17, 20-21), as specified in claims

31, 57, 81, 105, 128, 150;

wherein the payment made by the buyer at the payment

location is by cash, credit card, or check (530, Fig. 7; col.

27, line 65-col. 28, line 9; or col. 27, lines 14-25; or Fig.

2), as specified in claims 32, 58, 82, 106, 129, 151;

wherein the information provided in the step of

communicating information to the seller computer system for

displaying to the buyer computer system includes instructions to

the buyer that payment in the grand total amount should be

tendered to a payment location (Figs. 15 C-1, 15 C-2; "buyer

will be notified, Fig. 16; Figs. 17, 19, 21 and respective
disclosure), as specified in claims 33, 59, 83, 107, 130, 152;

wherein the information provided in the step of
communicating information to the seller computer system for
displaying to the buyer computer system includes information as
to a plurality of payment locations at which actual payment may
be tendered plurality of sponsors or banks for wire transfer or
see 530, Fig. 7; col. 27, line 65-col. 28, line 9; or col. 27,
lines 14-25; or Fig. 2, as specified in claims 34, 60, 84, 108,
131, 153;

wherein a payment gateway is positioned to communicate
information between the seller computer and the money transfer
system (e.g., sponsor, Fig. 4a; bank, col. 27, lines 14-31), as
specified in claims 35, 61, 85, 109, 132, 154;

canceling the transaction if the buyer does not make
payment at a payment location within a predetermined time period
(not responding to a negotiation would lead to canceling an
order, col. 25, line 60-col. 26, line 19; expiration date, Fig.
16), as specified in claims 36, 62, 86, 110, 133, 155;

wherein the payment request includes an order number
provided by the seller computer (unique Ids for transactions,
col. 21, lines 39-45; Figs. 15-16; purchase order numbers, Fig.
11a-1, 12), as specified in claims 37, 63, 87, 111, 134, 156;

wherein the seller is a merchant and operates an Internet-
accessible web site for conducting transactions with buyer
computers (04, Figs. 1; col. 17, lines 13-35; col. 18, lines 38-
46; col. 28, lines 9-36), as specified in claims 38, 64, 88,
112, 135, 157;

accessing information stored at the money transfer system
including the grand total amount due from the buyer, in response
to receipt of a message from a payment location including the
unique confirmation number, and communicating the grand total
amount to the payment location accessing data, (e.g., 570, Fig.
8; col. 20, lines 1-5; lines 57-63), as specified in claims 41,
67, 91, 115.

In Conklin, when a seller accepts a purchase order (Figs.
18, 21) the seller is essentially requesting a "necessary
payment" (Fig. 18) and generates a unique transaction number
(numbers associated with wire transfer, Fig. 30; or purchase
order numbers, Figs. 18, or 21). However, it not extremely
clear that the unique transaction number(s) are assigned to the
payment request, as specified in claims 16, 42, 68, 92, 116, 138
and 138. Meaning it is possible that the unique transaction
numbers are assigned to the items being bought and/or the
payment (wire transfer) but in e.g., claim 16, the unique

transaction number(s) are assigned to the payment request from the seller.

Conklin fails to particularly call for wherein the seller is a seller on an online auction system, as specified in claims 39, 65, 89, 113, 136, 158;

The Business Wire article (09889724 from Dialog file 148) teaches wherein the seller is a seller on an online auction system (using Ebay), as specified in claims 39, 65, 89, 113, 136, 158; unique transaction number(s) being assigned to payment requests(see pg. 2 or ~9th paragraph), as specified in claims 16, 42, 68, 92, 116, 138.

It is obvious that Conklin can include an auction process since Conklin already discloses a negotiating process (Conklin: col. 19, lines 60-64) and therefore the prices are already variable. Making it an auction could generate even higher prices for the sellers.

It is obvious that providing unique transaction number(s) to the payment request can make it easier for the seller to know exactly what the status of an order is, and which bank/sponsor is being used for the payment. Therefore the seller can quickly log the payment number with the order number and wait for payment rather than waiting for the buyer to select a specific bank and generate a payment number.

Claim Rejections - 35 USC § 103

1.   Claims 27, 40, 53, 66, 77, 90, 101, 114, 124, 137 are

rejected under 35 U.S.C. 103(a) as being unpatentable over the

combination of Conklin and the Business Wire article sited, as

set forth above, in view of Godwin (Travel Weekly, v44, pg

19(2), #02472750 from file 148).

Conklin fails to particularly call for storing the data

record in a payment confirmation queue in response to receipt of

the information from the payment location that payment has been

actually made at the payment location, as specified in claims

27, 53, 77, 101, 124; and

maintaining device queue records comprising lists of

messages awaiting delivery, messages currently being delivered,

and messages awaiting confirmation of delivery, as specified in

claims 40, 66, 90, 114, 137, 159;

Godwin teaches using queues for payments.

It would have been obvious to one of ordinary skill that

because Conklin discloses proposed orders "pending", (Conklin:

col. 20, lines 57-61), accessing stored records (Conklin: Fig.

8) and using email (Conklin: Fig. 7), that it would have been

obvious to use a memory labeled as a buffer or a queue for

helping when there is network traffic and a source cannot send

the messages at the present time, especially since Conklin uses emails (e.g., Conklin: Figs. 11, or 18-23) which have queues.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. Vincent whose telephone number is 571 272 3080. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 571 272 6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David R Vincent
Primary Examiner
Art Unit 3628